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## IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS **DALLAS DIVISION**

RAUL JACOBO CASTANEDA, #1170560,

Petitioner,

\$\phi\$ v.

DOUG DRETKE, Director, Texas Department of Criminal Justice, Correctional Institutions Division.

Respondent.

Civil Action No. 3:05-CV-0406-L

## <u>ORDER</u>

This is a habeas case brought under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On April 25, 2005, the Findings, Conclusions and Recommendation of the United States Magistrate Judge were filed, to which no objections have been made.

After making an independent review of the pleadings, files and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct and are hereby accepted as those of the court. Accordingly, Petitioner's Petition for Writ of Habeas Corpus denied, and this action is dismissed without prejudice for failure to exhaust state remedies.

It is so ordered this 12th day of May, 2005.

Sam A. Lindsay

United States District Judge